

REMARKS

Claims 21-34 are in this application. Claims 1, 2, 6, 7, 14, 15, 19 and 20 were previously rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 5,653,024 to Cartagena. In light of the Examiner's application of Cartagena to the present application and previous claims, applicant submits new claims addressing the Examiner's rejections.

Cartagena does not teach or suggest a nail clipping receptacle which encases the nail clipper as claimed. Claim 1 includes the limitation of "a hollow housing . . . sized to slidably receive the nail clippers therein and substantially encase the body of the nail clippers." When the clippers are inserted into the claimed housing, the body of the clippers is substantially encased by the housing. The housing set forth in Cartagena attaches to the clippers below the jaws to catch the clippings. The housing set forth in Cartagena does not cover the sides of the nail clippers. As the nail clipper is operated, the nail clippings can shoot out the sides of the nail clipper and thus are not caught by the nail clipper receptacle taught by Cartagena. The sides of the housing as claimed in the present invention have "a length to substantially extend the length of the sides of the nail clippers to cover the sides of the nail clippers including the sides of the jaws of the nail clippers."


Cartagena includes a receptacle top which has a length less than that of the sides but the top of Cartagena is not the functional equivalent of the housing top claimed in the present invention. The top portion of the housing as claimed in the present application fits over the body of the nail clipper and presents an opening "to allow actuation of the lever and the jaws of the nail clippers." Cartagena does not include or suggest a functionally equivalent structure.

Claims 3, 5, 16 and 18 were previously rejected under 35 U. S. C. § 103(a) as being unpatentable over U. S. Patent No. 5,653,024 to Cartagena in view of U. S. Patent No. 5,423,124 to Marroco. As set forth hereinabove, Cartagena does not disclose or suggest all of the elements of independent claims 21 and 28, which are thus allowable. Additionally, the limitations set forth in the claims depending from claims 21 and 28 are not disclosed or suggested by Marroco. Accordingly, the claims which depend from claims 21 and 28 are also allowable.

Claims 4 and 7 were previously rejected under 35 U. S. C. § 103(a) as being unpatentable over U. S. Patent No. 5,653,024 to Cartagena in view of U. S. Patent No. 6,009,880 to Weidich. As set forth hereinabove, Cartagena does not disclose or suggest all of the elements of independent claims 21 and 28, which are thus allowable. Additionally, the limitations set forth in the claims depending from claims 21 and 28 are not disclosed or suggested by Weidich. Accordingly, the claims which depend from claims 21 and 28 are also allowable.

Accordingly, applicant requests that the application be passed to allowance.

Respectfully submitted,


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